

Docket: 80042

IFW
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lin et al.

Serial No.: 10/772,819

Group Art Unit: 1621

Filed: February 05, 2004

Examiner:

For: STEAM RECOMPRESSION IN CARBOXYLIC ACID PROCESSES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97(b)

In accordance with 37 CFR 1.56, the documents listed on the attached Information Disclosure Statement by Applicant are being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of the cited documents are enclosed.

Other Information

Applicants also bring to the Examiner's attention the Office Action cited in copending application no. 10/617,878. A copy of the Office Action is attached for the Examiner's review.

The Information Disclosure Statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last.

Respectfully submitted,

Steven A. Owen
Registration No. 50,355

11/04/2004
Date

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-5534
FAX: (423) 229-1239

Docket: 80042

PATENT

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper(s) referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Kristi D. Huff

11/9/04
Date



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,878	07/10/2003	Robert Lin	71604	3424

7590 10/18/2004
Steven A. Owen
Eastman Chemical Company
P.O. Box 511
Kingsport, TN 37662-5075

EXAMINER

OH, TAYLOR V

ART UNIT PAPER NUMBER

1625

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

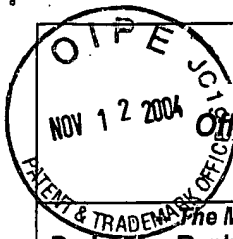
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OCT 22 2004

EASTMAN CHEMICAL COMPANY
LEGAL DEPARTMENT

ENTERED IN PITS

vdw



Office Action Summary

Application No.	Applicant(s)	
10/617,878	LIN, ROBERT	
Examiner	Art Unit	
Taylor Victor Oh	1625	

The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/03 & 4/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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Application/Control Number: 10/617,878

Page 2

Art Unit: 1625

The Status of Claims:

Claims 1-34 are pending.

Claims 1-34 have been rejected.

DETAILED ACTION

1. Claims 1-34 are under consideration in this Office Action.

Priority

2. None.

Drawings

3. The drawings filed on 7/10/2003 are acceptable by the Examiner.

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Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1- 34 are rejected under 35 U.S.C. 112, first paragraph, because

The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is

required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

The attempt to incorporate subject matter into this application by a reference to WO-02/063141 , lines 4-6 on page 10 , lines 1-3 on page 16, is improper because , although the phrase " a power cycle" is defined, the specification further gives the examples of " power cycles, an organic rankine cycle, a kalina cycle, or a power cycle as described in WO-02/063141", which has been incorporated into the specification. It is a foreign patent ; does not specify essential materials on the specification. Applicant is required to amend the disclosure to include the material incorporated by references and to accompany the amendment by an affidavit or declaration by the applicant.

The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 1-34 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, 9, 19, and 27, the phrase "a substantial portion" is recited. The expression is vague and indefinite because the term "substantial" offers no clear descriptive amount of the solvent to be removed in the separation zone in the process. Therefore, an appropriate correction is required.

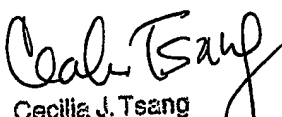
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Taylor Victor Oh whose telephone number is 571-272-0689. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

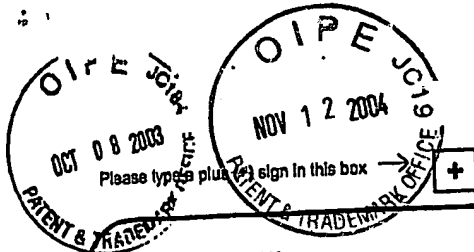
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/13/04


Cecilia J. Tsang
Supervisory Patent Examiner
Technology Center 1600

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Substitute for form 1449

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Sheet

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of

1

Attorney Docket Number 71604

First Named Inventor Lin

COMPLETE IF KNOWN

Application Number 10/617,878

Filing Date July 10, 2003

Group Art Unit

Examiner Name

625
Taylor V. Oh

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ² (If known)		
20		3,970,696		Shigeyasu et al.	07-20-1976
		3,996,271		Yokota et al.	12-07-1976
		4,158,738		Scott et al.	06-19-1979
		5,510,521		McGehee et al.	04-23-1996
		5,612,007		Abrams	03-18-1997

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Date of Publication of Cited Document MM-DD-YYYY	T ³
		Office ⁴	Number ⁴	Kind Code ² (If known)		
20		JP	5- 213816	A	Mitsubishi Chemical Corporation	08-24-1993
		WO	02/063141	A1	ADDPower AB	08-15-2002

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ³
20		HUNG, T.C., SHAI, T.Y. and WANG, S.K., A Review of Organic Rankine Cycles for the Recovery of Low-Grade Waste Heat, Energy, 1997, pp. 661-667, Vol. 22, No. 7, Elsevier Science Ltd., Great Britain.	
		HUNG, T.C., Waste Heat Recovery of Organic Rankine Cycle Using Dry Fluids, Energy, 2001, pp. 539-553, Elsevier Science Ltd.	
		IBRAHIM, O.M., KLEIN, S.A., Absorption Power Cycles, Energy, 1996, pp. 21-27, Vol. 21, No. 1, Elsevier Science Ltd. Great Britain.	

Examiner
Signature

[Signature]

Date
Considered

10/11/04

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 18 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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PATENT & TRADEMARK OFFICE

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Substitute for form 1448

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Attorney Docket Number	71604
First Named Inventor	Lin
COMPLETE IF KNOWN	
Application Number	10/617,878
Filing Date	July 10, 2003
Group Art Unit	1628
Examiner Name	Raylin J. Oh

Sheet 1 of 1

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code* (if known)		
16		USSN 10/772,819		Lin	Filed 02-02-2004

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Examiner Signature	<i>Raylin J. Oh</i>	Date Considered	02/11/04
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Substitute for form 1449

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Attorney Docket Number 80042

First Named Inventor Lin et al.

COMPLETE IF KNOWN

Application Number 10/772,819

Filing Date February 05, 2004

Group Art Unit 1621

Sheet

1

of

2

Examiner Name

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code ² (if known)		
		3,970,696		Shigeyasu et al.	07-20-1976
		3,996,271		Yokota et al.	12-07-1976
		4,158,738		Scott et al.	06-19-1979
		4,356,319		Roffia et al.	10-26-1982
		4,939,297		Browder et al.	07-03-1990
		5,463,113		Yamamoto et al.	10-31-1995
		5,510,521		McGeehee et al.	04-23-1996
		5,567,842		Izumisawa et al.	10-22-1996
		5,612,007		Abrams	03-18-1997
		5,723,656		Abrams	03-03-1998
		5,959,140		Okoshi	09-28-1999
		5,961,942		Turner et al.	10-05-1999
		6,143,926		Parten	11-07-2000
		6,504,051		Miller, Jr. et al.	01-07-2003

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T ³
		Office ³	Number ⁴	Kind Code ⁵ (if known)			
		EP	0 734 372	B1	BP Amoco Corporation	05-31-2000	
		GB	1 373 230		Mitsui Petrochemical Industries, Ltd.	11-06-1974	
		JP	5-213816	A	Mitsubishi Chemical Corporation	08-24-1993	√
		JP	11-349523	A	Mitsubishi Chemical Corporation	12-21-1999	√
		WO	02/063141	A1	ADDPower AB	08-15-2002	

Examiner
Signature

Date
Considered

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Substitute for form 1449 INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Attorney Docket Number	80042
				First Named Inventor	Lin et al.
				COMPLETE IF KNOWN	
				Application Number	10/772,819
				Filing Date	February 05, 2004
				Group Art Unit	
Sheet	2	of	2	Examiner Name	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author(in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue number(s), publisher, city and/or country where published.	T ²	
		HUNG, T.C., SHAI, T.Y. and WANG, S.K., <i>A Review of Organic Rankine Cycles for the Recovery of Low-Grade Waste Heat</i> , Energy, 1997, pp. 661-667, Vol. 22, No. 7, Elsevier Science Ltd., Great Britain.		
		HUNG, T.C., <i>Waste Heat Recovery of Organic Rankine Cycle Using Dry Fluids</i> , Energy, 2001, pp. 539-553, Elsevier Science Ltd.		
		IBRAHIM, O.M., KLEIN, S.A., <i>Absorption Power Cycles</i> , Energy, 1996, pp. 21-27, Vol. 21, No. 1, Elsevier Science Ltd. Great Britain.		
		RYANS, J.L. and ROPER, D.L., <i>Steam Jet Ejectors</i> , Process Vacuum System Design and Operation, 1986, pp. 229-260, Ch. 9, McGraw Hill.		
		Copending Application No. 10/617, 878 filed July 10, 2003		

Examiner Signature		Date Considered	
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¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.